

Inconvenient truths

In a just and sane world, Department of Justice Inspector General Michael Horowitz's report into the FBI's investigation of Russian penetration of the 2016 Trump campaign would shutter a whole cottage industry of conspiracy theories.

Instead, the document's conclusions are being radically reinterpreted for political advantage by Trump and his minions.

Most importantly, the 476-page report found no evidence of political bias in launching the "Crossfire Hurricane" probe, which began in part due to a tip from Australian diplomats who learned via Trump campaign aide George Papadopoulos about Russian involvement in the hacking of Hillary Clinton's email.

So, once and for all: The "Deep State" didn't "spy" on the campaign.

The anti-Trump dossier compiled by former British agent Christopher Steele? That

was received weeks after the probe opened. Yes, agents seriously erred in failing to disclose how much of its material was cited in the special wiretap warrants on another campaign aide, Carter Page. But it wasn't the seed of some poisonous tree.

Those romantic texts between lead FBI investigator Peter Strzok and lawyer Lisa Page that supposedly proved fatal animus toward Trump? The report reveals several other agents texting pro-Trump views who considered Hillary a "criminal."

Of course, Attorney General Bill Barr, seeing his principal role as being the president's personal defense lawyer, claims the report shows that "the FBI launched an intrusive investigation of a U.S. presidential campaign on the thinnest of suspicions that, in my view, were insufficient to justify the steps taken."

We're not just through the looking glass. We're through the funhouse mirror.



WILLIAM BARR
"Thinnest of suspicions."

AG Barr knocks findings

Attorney General William Barr publicly disagreed with the Justice Department inspector general's report released Monday that found no evidence of political bias by the FBI in launching the Trump-Russia probe.

Barr, in a statement released after Inspector General Michael Horowitz's report came out, ripped the FBI's investigation into Donald Trump's White House campaign.

"The Inspector General's report now makes clear that the FBI launched an intrusive investigation of a US presidential campaign on the thinnest of suspicions that, in my view, were insufficient to justify the steps taken," Barr said.

Barr expressed frustration that the FBI continued investigating the Trump campaign, even as "exculpatory" evidence came to the light.

"Nevertheless, the investigation and surveillance was pushed forward for the duration of the campaign and deep into President Trump's administration," Barr said.

US Attorney John Durham, who was appointed by Barr to conduct another Justice Department review of the origins of the investigation into Russia's possible ties to Trump's campaign, said Monday that he, too, did not agree with all of the IG's report.

"Based on the evidence collected to date ... last month we advised the Inspector General that we do not agree with some of the report's conclusions as to predication and how the FBI case was opened," Durham said.

Bob Fredericks

The New York Times

Barr and Durham Publicly Disagree With Horowitz Report on Russia Inquiry

The attorney general reprised his role as a vocal defender of President Trump.



By Katie Benner

Dec. 9, 2019

WASHINGTON — When the Mueller report was made public this spring, Attorney General William P. Barr seemed to try to blunt its findings, playing them down in an early summary and defending President Trump at a news conference just before its release.

On Monday, when the Justice Department's inspector general, Michael E. Horowitz, rejected one of Mr. Trump's main attacks on the F.B.I. and declared the bureau had adequate reason to investigate the Trump campaign's ties to Russia, Mr. Barr again stepped in, issuing a statement saying that the F.B.I. instead should not have opened the investigation in 2016.

"The F.B.I. launched an intrusive investigation of a U.S. presidential campaign on the thinnest of suspicions that, in my view, were insufficient to justify the steps taken," he said.

In both cases, Mr. Barr highlighted his belief that law enforcement officials overstepped their authority when they decided to investigate Trump campaign aides and that the president ultimately did nothing wrong. Mr. Barr long suspected that was the case before he became attorney general, and his time in office has crystallized his belief, friends and associates say.

Mr. Barr's willingness to side with Mr. Trump over law enforcement, even when it contradicts his own department's assessments, illustrates why he is one of Mr. Trump's most important allies.

His pronouncement on Monday comes at a time when the president is on the verge of being impeached over accusations that he abused his power. And Mr. Barr's past pronouncements that it is nearly impossible for the president to break the law when exercising his authorities have been adopted by Mr. Trump's allies as they try to push back on the impeachment inquiry.

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John H. Durham, a federal prosecutor whom Mr. Barr appointed to run a separate criminal investigation into the origins of the Russia investigation, backed Mr. Barr's findings in his own highly unusual statement. "Last month, we advised the inspector general that we do not agree with some of

the report's conclusions as to predication and how the F.B.I. case was opened," Mr. Durham said.

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He also noted that he had access to more information than Mr. Horowitz did, an apparent reference to Mr. Durham's trips to meet with foreign intelligence officials overseas and to his examination of any role the C.I.A. played in how the F.B.I. confronted Russia's election interference in 2016.

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Mr. Barr said in the statement that the report by the inspector general "provided critical transparency and accountability."

GIVE THE TIMES

The statements from the Justice Department's top official and one of his key investigators gave ammunition to Mr. Trump's supporters to dispute a major finding in the long-awaited report by Mr. Horowitz that was one of the few bright spots for the F.B.I. But it drew criticism from the F.B.I.'s supporters.

"I don't understand how Barr can on the one hand lavish praise on the inspector general and his team of lawyers and investigators, and in the next breath seek to undermine its key finding that the investigation was authorized and validly predicated," said Michael Bromwich, a former Justice Department inspector general who is now a lawyer in private practice. Mr. Horowitz has harshly criticized one of his clients, the former F.B.I. deputy director Andrew G. McCabe, for violations of the Justice Department's media policy.

"They either got it right or they didn't," Mr. Bromwich said.

Mr. Horowitz found that the F.B.I. had adequate reason in 2016 to lawfully open a full investigation into whether Trump campaign associates were wittingly or unwittingly helping Russia to interfere in the election. Called Crossfire Hurricane, the investigation eventually focused on four Trump campaign associates, two of whom were already the subjects of continuing Justice Department investigations.

The F.B.I. opened the inquiry amid a rash of leaked emails that had been stolen from the Democratic National Committee, and days after receiving intelligence that a Trump campaign adviser at the time, George Papadopoulos, had told Australian diplomats that a Russian had intermediary had offered information that could damage Hillary Clinton's campaign.

Only the tip from the Australian government was officially used "to predicate the opening of the Crossfire Hurricane investigation," Mr. Horowitz said — and that was enough information to open the inquiry. His conclusion undercut accusations by the president and his allies that F.B.I. officials had carried out a politicized conspiracy to sabotage his campaign.

Mr. Horowitz also said that the F.B.I. followed all policies when it used informants to carry out that work. He noted that the bureau's standards were very low, and he initiated an audit of how it would handle applications to wiretap Americans citizens in the future.

Christopher A. Wray, the director of the F.B.I., said that he accepted all of the report's findings, including that officials had enough reason to open the investigation, as did other F.B.I. defenders.

"The inspector general's report found that the F.B.I.'s Crossfire Hurricane investigation was supported by sufficient evidence to meet legal requirements," said Brian O'Hare, the president of the F.B.I. Agents Association.

Mr. Barr said in his statement that Australia, identified in the report only as a Friendly Foreign Government, had acted appropriately in sharing information with the United States.

"What was subsequently done with that information by the F.B.I. presents a separate question," Mr. Barr said. Neither he nor Mr. Durham presented evidence to show why the inspector general's conclusion was incorrect.

In criticizing the F.B.I., both Mr. Horowitz and Mr. Barr homed in on the fact that investigators continually omitted information from applications for a court order for a wiretap under the Foreign Intelligence Surveillance Act, or FISA, that could have undercut their argument that they had probable cause to monitor Mr. Page's communications.

"F.B.I. officials misled the FISA court, omitted critical exculpatory facts from their filings, and suppressed or ignored information negating the reliability of their principal source," Mr. Barr said. "The inspector general found the explanations given for these actions unsatisfactory."

Mr. Horowitz chronicled 17 occasions when investigators omitted key information or conveyed erroneous information to the court. He declined to say whether the court would have denied the application had it had a more complete and accurate picture.

Mr. Horowitz recommended that the F.B.I. review the performance of every person involved in the wiretap effort.

Mr. Wray said in his response that he had already taken steps to address the serious lapses that Mr. Horowitz had detailed, and that he would make significant changes to how the bureau manages its process of obtaining a secret wiretap and how it uses confidential human sources.

Mr. Barr said that he would take Mr. Horowitz's personnel recommendations seriously and "follow all appropriate processes and procedures, including as to any potential disciplinary action."